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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,925	02/12/2001	Karen Capers	01 P 7466 US	1795

7590

07/14/2005

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EXAMINER

CASIANO, ANGEL L

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/781,925

Applicant(s)

CAPERS ET AL.

Examiner

Angel L. Casiano

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050421.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. The present Office action is in response to communication dated 20 April 2005.
2. Claims 1-19 and 21 are pending. All claims have been examined.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 January 2005 has been entered.

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 22 April 2005 was filed after the mailing date of the Advisory action on 09 February 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. [US 2002/0069272 A1] in view of Barrett et al. [US 6,782,420 B1].

Regarding claim 1, Kim et al. teaches a method for providing a communication server (see Title, Abstract). The cited art also teaches the step of receiving a selection of at least one service option (see “request”; Page 2, col. 2, [0026], [0028]). Kim et al. also teaches receiving capacity information (see “space”; Page 3, col. 2, [0033] and [0034]) for at least one type of subscriber (see “client”). The reference “automatically” (see Page 4, [0035]) applies a specified set of rules to produce a result set based on the service option selection and the capacity information; and determining *configuration parameters* for one or more network elements based on the result set (see Page 3, [0030] and [0034]). However, the reference fails to explicitly disclose step of “automatically determining that one or more network elements are to be included in the communication server based on the result set”, as claimed. Regarding this limitation, Barrett et al. teaches a network management (see Abstract) method in which a result set is automatically collected from network elements (see col. 12, lines 17-20). This information is collected by a management server (see col. 11, line 36). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method for “remote management of network elements” and “to communicate management information concerning the network elements”, as taught by Barrett et al.

As per claim 2, Kim et al. teaches provisioning information based on a result set; and provisioning each of the network elements based on the provisioning information (see “client command”, Page 2, [0026]; “resources available to a particular user”, Page 3, [0030]).

As for claim 3, Kim et al. teaches registering the network elements (see “content of the database”, “servers”, Page 3, col. 1, [0031]).

As per claim 4, Kim et al. teaches storing provisioning information (see “set of parameters that control”, Page 3, col. 1, [0030]).

As for claim 5, Kim et al. teaches storing results (see Page 3, col. 2, [0033]; Figures 4 and 6).

As per claim 6, Kim et al. explicitly teaches network elements located in a remote location (see Page 2, [0026], [0027]). These network elements would also be downloaded from the remote location (see Page 3, col. 2, [0034]).

As per claim 7, Kim et al. explicitly teaches receiving *authentication information* from an operator (see “user”, Page 3, col. 1, [0032]); determining whether the operator is authenticated based on the authentication information (see Figure 2); presenting *management options* when the operator is authenticated (see “interactive screen display”, Figure 3); the management options comprising network element provisioning (see Page 3, col. 2, [0033], [0034]); and receiving a *selection* of network element provisioning.

Regarding claim 8, Kim et al. teaches a system for providing a communication server (see Title, Abstract) as well as a computer-processable medium (see Figure 1). The cited art also teaches the logic for implementing the steps of receiving a selection of at least one service option (see “request”; Page 2, col. 2, [0026], [0028]). Kim et al. also teaches receiving capacity information (see “space”; Page 3, col. 2, [0033] and [0034]) for at least one type of subscriber (see “client”). The reference applies a specified set of rules to produce a result set based on the service option selection and the capacity information; and determining *configuration parameters* for one or more network elements based on the result set (see Page 3, [0030] and [0034]). However, the reference fails to explicitly disclose, “determining that one or more network elements are to be included in the communication server based on the result set”, as claimed. Regarding this limitation, Barrett et al. teaches a network management (see Abstract) method and system in which a result set is automatically collected from network elements (see col. 12, lines 17-20). This information is collected by a management server (see col. 11, line 36). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a system for “remote management of network elements” and “to communicate management information concerning the network elements”, as taught by Barrett et al.

As per claim 9, Kim et al. teaches the logic for provisioning information based on the result set; and provisioning each of the network elements based on the provisioning information (see “client command”, Page 2, [0026]; “resources available to a particular user”, Page 3, [0030]).

As for claim 10, Kim et al. teaches the logic for registering the network elements (see “content of the database”, “servers”, Page 3, col. 1, [0031]).

As per claim 11, Kim et al. teaches logic for storing provisioning information (see “set of parameters that control”, Page 3, col. 1, [0030]).

As per claim 12, Kim et al. teaches logic for storing results (see Page 3, col. 2, [0033]; Figures 4 and 6).

As per claim 13, Kim et al. discloses logic for determining configuration parameters. The reference explicitly teaches network elements located in a remote location (see Page 2, [0026], [0027]). These network elements would also be downloaded from the remote location (see Page 3, col. 2, [0034]).

As for claim 14, Kim et al. explicitly teaches the logic for the steps of receiving *authentication information* from an operator (see “user”, Page 3, col. 1, [0032]); determining whether the operator is authenticated based on the authentication information (see Figure 2); presenting *management options* when the operator is authenticated (see “interactive screen display”, Figure 3); the management options comprising network element provisioning (see Page 3, col. 2, [0033], [0034]); and receiving a *selection* of network element provisioning.

Regarding claim 15, the combination of references teaches a method for providing a communication server (see Title, Abstract). Therefore, the cited combination also teaches the service engine for providing this server in order to determine configuration parameters for network elements based on a result set (see previous rejections). The present claim is therefore rejected under the same rationale.

As for claims 16-19, the combination of references teaches a method for providing a communication server (see Title, Abstract). Accordingly, the cited combination also teaches the service engine for providing this server in order to determine configuration parameters for network elements based on a result set (see previous rejections). The present claims are therefore rejected under the same rationale.

Regarding claim 21, Kim et al. explicitly teaches receiving *authentication information* from an operator (see “user”, Page 3, col. 1, [0032]); determining whether the operator is authenticated based on the authentication information (see Figure 2); presenting *management options* when the operator is authenticated (see “interactive screen display”, Figure 3); the management options comprising network element provisioning (see Page 3, col. 2, [0033], [0034]); and receiving a *selection* of network element provisioning. Kim et al. teaches a method for providing a communication server (see Title, Abstract). The cited art also teaches the step of receiving a selection of at least one service option (see “request”; Page 2, col. 2, [0026], [0028]). Kim et al. also teaches receiving capacity information (see “space”; Page 3, col. 2, [0033] and [0034]) for at least one type of subscriber (see “client”). The reference applies a specified set of



rules to produce a result set based on the service option selection and the capacity information; and determining *configuration parameters* for one or more network elements based on the result set (see Page 3, [0030] and [0034]). Kim et al. explicitly teaches network elements located in a remote location (see Page 2, [0026], [0027]). These network elements would also be downloaded from the remote location (see Page 3, col. 2, [0034]). Kim et al. teaches provisioning information based on the result set; and provisioning each of the network elements based on the provisioning information (see “client command”, Page 2, [0026]; “resources available to a particular user”, Page 3, [0030]). Kim et al. teaches registering the network elements (see “content of the database”, “servers”, Page 3, col. 1, [0031]). Kim et al. teaches storing provisioning information (see “set of parameters that control”, Page 3, col. 1, [0030]). However, the reference fails to explicitly disclose the limitation of “automatically” performing these steps, as claimed. Regarding this limitation, Barrett et al. teaches a network management (see Abstract) method in which a result set is automatically collected from network elements (see col. 12, lines 17-20). At the time of the invention, one of ordinary skill in the art would have been motivated to combine the cited disclosures in order to obtain a method for “remote management of network elements” and “to communicate management information concerning the network elements”, as taught by Barrett et al.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

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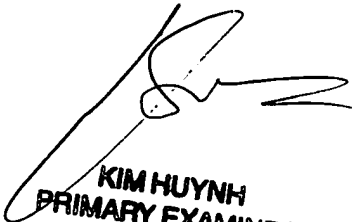
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 571-272-4142. The examiner can normally be reached on 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alc  
07 July 2005

  
KIM HUYNH  
PRIMARY EXAMINER  
7/11/05